



HOUSE MAJORITY OFFICE

MESSAGE POINTS

Representative Carlos Lopez – Cantera, Majority Leader

Clarifying and Streamlining Growth Management

HB 7129 – Growth Management

In the 1970s and 1980s, Florida and its local governments were unprepared to meet the growing demands and impacts of the rapid growth that characterized those decades. In response, the state adopted the growth management laws we have in place today. Florida is now a very different place than it was when our current structure of growth management was created. We need to modernize this system to ensure its relevance for the 21st century by providing flexibility for local governments to address the needs of their local communities and by focusing state resources on issues of state significance.

Key Points:

- Florida's current growth management process fails to recognize the importance of economic development in creating and sustaining healthy communities.
- These outdated processes are slow, unnecessarily complex and are hindering Florida's competitiveness in the global marketplace.
- Local governments are now engaged, experienced, and well-prepared to manage growth within their communities without the state overseeing every detail of their efforts.
- The bill refocuses state and local planning efforts, eliminating one-size-fits-all state-mandated solutions so that local governments can implement more flexible, locally-relevant approaches to their growth.
- The bill focuses the state role on protecting state resources and facilities, ensuring that the state and local governments work as partners to protect these interests while eliminating unnecessary regulations and requirements at multiple levels of government.
- The bill limits the scope of government by eliminating duplicative reviews that slow down the process, facilitating greater government efficiency and accountability.

LAST SEEN:

**Last seen in
Community &
Military Affairs,
reported favorably
(3/17/2011).**



CURRENTLY IN:

**Economic Affairs
Committee (3/31/2011):
488-3041**

**Chair Hukill:
488-6653**



HEADED TO:

**Once the bill is
reported favorably it
will be released to the
House calendar.**



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Clarifying and Streamlining Growth Management – Discussion Points

Overview: In terms of state government's role in regulating local government comprehensive planning and land use, Florida has one of the most heavily top down approaches of any state in the nation. Careful consideration must be given as to the state's participation in local land uses and what can and cannot be done on private property, and when development can and cannot be approved.

HB 7129 substantially modernizes Florida's growth management laws by providing local governments with greater local control over planning decisions that affect their communities. This bill preserves the minimum standards for Florida's comprehensive growth management system. This bill also preserves the opportunities in current law for public participation in the local planning process. This bill re-focuses the state's role in the growth management process to one of protecting important state resources and facilities. These goals are accomplished by:

- Updating the required local comprehensive plan content
- Streamlining the comprehensive plan and plan amendment process
- Eliminating state mandated concurrency for transportation, schools and parks
- Scaling back the requirements of the evaluation and appraisal report (EAR)
- Encouraging large- scale planning

Comprehensive Plan Content:

HB 7129 streamlines the required plan content to address concerns that some provisions of statute had become overly prescriptive and in several instances had created unobtainable standards. The bill also shifts more control to local governments, allowing greater flexibility in addressing local needs. These changes make local comprehensive plans more relevant and realistic planning documents that can be adapted to local needs more efficiently than current law allows.

Future Land Use Element – The future land use element includes a future land use map or map series. The format of the future land use element provisions has changed to increase readability. The bill clarifies that designated future uses may not be limited solely by the projected population and requires that plans be based on at least a medium population projection and allow for market forces. The future land use element will now address the need to modify outdated land uses and development patterns many of which were created prior to enactment of modern growth management laws.

Capital Improvements Element – The capital improvements schedule will now be reviewed by local governments on an annual basis instead of being submitted to the DCA for review. Modifications to the schedule can be accomplished by ordinance and are no longer amendments to the local comprehensive plan, returning to the pre-2005 standard. Financial feasibility as currently applied sets unattainable parameters that have required numerous compliance date extensions by the Legislature. The bill revamps the capital improvements element to set more realistic parameters for the content of the element, including a prioritized list of facilities that need improvement.



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Transportation Element – Currently, the requirements for the transportation element are spread out in several different areas of statute. The bill reorganizes the requirements into a single section.

- **Rule 9J-5 repeal:** DCA adopted rule 9J-5, FAC, at the direction of the Legislature in the 1985 Growth Management Act. Since that time, the rule has been amended several times and as a result has become confusing and subject to internal inconsistencies. The bill repeals rule 9J-5, FAC, and incorporates into statute the key definitions and provisions relating to the contents of and requirements for elements within a comprehensive plan, including the provisions relating to urban sprawl.

Comprehensive Plan and Plan Amendment Process:

In 2007, the Legislature created a pilot program to provide an alternate, expedited process for plan amendments with streamlined state agency review. The alternative state review process shortens the statutorily prescribed timeline for the comprehensive plan amendments process from 136 days to 65 days.

The bill streamlines the comprehensive plan amendment process by expanding the pilot program, with some limited exceptions, for statewide use while maintaining public participation in the local government planning process and the broad ability for citizens to challenge local government decisions. The bill also creates a state coordinated review process for amendments that require a more comprehensive review. The bill focuses the role of state review and challenges to one of protecting important state resources and facilities.

- Removes the twice-a-year limit for the adoption of plan amendments.
- Streamlines the review of plans and plan amendments into one of three processes.
 - **Expedited state review** process is designed for most plan amendments and is based on the success of the alternative review pilot program.
 - **State coordinated review** process is designed for new comprehensive plans and plan amendments that require a more comprehensive review and is identical to the expedited state review process except that the state land planning agency conducts a more comprehensive review and is subject to different challenge requirements.
 - **Small-scale amendment review** process is maintained and streamlined. There is no state review of small-scale amendments.
- For both the expedited and state coordinated reviews, state agencies are limited to identifying potential adverse impacts to important state resources and facilities within their areas of jurisdiction; the state land planning agency's review is a bit broader, and must balance the identified state concerns against the benefits to the local government.
- An objections, recommendations and comments report is issued only for plan amendments processed using the state coordinated review. The notice of intent to find a plan amendment in compliance or not in compliance is eliminated.



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- The bill repeals the Local Government Comprehensive Planning Certification Program and the cities that were certified under the program will use the same processes for adopting plan amendments as other local governments.
- The bill provides uniformity by prohibiting referendums to approve changes in land uses.

State Mandated Concurrency:

Concurrency requires public facilities and services to be available concurrent with the impacts of development. HB 7129 removes state mandated concurrency for transportation, parks and recreation, and schools, while allowing local governments the option and flexibility to maintain their current use of these tools without taking any action.

Transportation Concurrency

The bill removes the state mandated requirement for transportation concurrency, but allows local governments the option of continuing to apply transportation concurrency locally through no action at all. Local governments that have created transportation concurrency exception areas may continue to utilize the areas as an exception to locally mandated transportation concurrency. If a local government wishes to remove transportation concurrency, it must adopt a comprehensive plan amendment. For local governments that choose to continue to apply transportation concurrency, the bill provides the minimum requirements and guidelines for doing so.

School Concurrency

The bill removes the state mandated requirement for school concurrency, but allows local governments the option of continuing to apply school concurrency locally through no action at all. If a local government wishes to remove school concurrency, it must adopt a comprehensive plan amendment doing so. For local governments that choose to continue to apply school concurrency, the bill provides the minimum requirements and guidelines, including encouraging application at the district wide level, but allowing the flexibility for local governments to continue applying concurrency using school attendance zones or concurrency service areas, if they choose. The bill maintains protective measures in current law ensuring that school boards maximize capacity and allowing for mitigation to continue.

Evaluation and Appraisal Report

The bill adds greater flexibility to the state requirement that local governments adopt an evaluation and appraisal report once every seven years. The bill removes specific requirements concerning the content of an evaluation and appraisal report, but directs local governments to perform a self evaluation and inform the state land planning agency of any needed updates. The plan must be updated periodically to address changes in state law.



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Large-Scale Planning:

The bill changes the requirements associated with creative planning tools such as sector plans and rural land stewardship areas. Plan amendments proposing a sector plan or a rural land stewardship area are subject to the state coordinated review process.

Sector Plans

The optional sector planning process is designed to promote large scale planning of areas that include at least 5,000 acres and to avoid the duplicative data and analysis that would otherwise be necessary if projects went forward under traditional smaller scale planning tools. Currently, the optional sector plan pilot program is limited to five local governments, or combinations of local governments.

The bill removes the pilot status of the sector plan program, and increases the minimum acreage for a sector plan to 15,000 acres, which includes all existing approved sector plans. The bill expands access to all local governments who wish to use the sector plan process and removes state involvement in the agreement requirements which were needed to operate under the pilot status. Sector plans continue to be prohibited in designated areas of critical state concern and are subject to the state coordinated review during initial adoption. Expanding access to this planning process is aimed at encouraging long term master planning of large areas of the state and creating balanced and sustainable growth.

Rural Land Stewardship Areas

The bill creates a new section of statute that reorganizes provisions of law relating to rural land stewardship areas (RLSAs) and attempts to make the RLSA process more workable and less prescriptive. RLSAs are designed to establish a long-term incentive based strategy to balance and guide the allocation of land. The program goal is to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

Developments of Regional Impact

The bill transfers the provisions relating to dense urban land uses from the comprehensive planning statutes to the development of regional impact statute to maintain the exempt status of projects within these areas. It further provides that areas that meet the density criteria maintain the exempt status, even if a local government as a whole loses that classification due to loss in population or as a result of annexation activity.

Century Commission:

The bill repeals statutory authorization for the Century Commission. In recent years the commission has operated primarily on private funding. The repeal completes the transition of the commission from a state sponsored exercise encouraging long term planning ideas to an independent planning think-tank.